

In re Application of: James et al.  
Serial Number: 09/606,923

### REMARKS

In the application, claims 1 through 17 are pending. No claims currently stand allowed.

The Office Action dated March 4, 2003, has been carefully considered. The Office Action rejects all pending claims as obvious under 35 U.S.C. § 103(a) in light of U.S. Patent 6,457,066 ("Mein"), U.S. Patent 6,115,744 ("Robins"), and the article "RPC-Based Web Services" ("Cho").

The present invention provides an application programming interface (API) for use with the Simple Object Access Protocol (SOAP). The API provides mechanisms for creating all parts of SOAP request messages, for sending the created messages over HTTP to a remote server, and, if the request is successful, for retrieving the response from the remote server, or, in the case of failure, for accessing whatever error information is available. Applications developers building on top of this API are freed from redeveloping these general mechanisms and can thus focus on the unique aspects of their applications. In some embodiments of the present invention, the API consists of software objects.

The copy of the Cho article provided with the Office Action does not bear a date. Applicants request that a date be provided for the Cho article so that its relevance as prior art can be assessed.

35 U.S.C. § 103(c) excludes Mein from consideration as prior art with respect to the present application. First, if Mein is prior art at all, it can only be § 102(e)(2) prior art. Second, the inventors of the Mein patent were under an obligation to assign all rights in the Mein patent to the Microsoft Corporation at least since Mein's filing in 1997. Third, as established by the following Statement of Common Ownership, the inventors of the present application were under an obligation to assign all rights in their invention to the Microsoft Corporation at the time the invention was made. Therefore, § 103(c) applies to exclude Mein from consideration as prior art.

#### **Statement of Common Ownership of the Present Application and the Mein Patent**

Through their attorneys, applicants state that the present application, serial number 09/606,923, and U.S. Patent 6,457,066 to Mein et al. were, at the time the claimed invention of the present application was made, owned by the Microsoft Corporation or subject to an obligation of assignment to the Microsoft Corporation.

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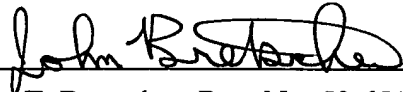
This statement satisfies applicants' burden of proving common ownership of the present application and the Mein patent. With Mein disqualified as prior art, Applicants submit that the rejections in the Office Action have been rendered moot.

The present Amendment A adds new claims 13 through 17 to distinctly claim aspects of the present invention. In some embodiments of the present invention, a software object is used to provide an API to the SOAP protocol. In some embodiments, the "SOAP Request Software Object" of claim 13 exists on a sending machine. Examples of this software object are detailed in pages 5 through 12 of the specification. On the other hand, a "SOAP request message" is a message defined by the SOAP protocol. It is sent from a sending machine to a receiving machine.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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